

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.5377 of 2000

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Dated : 03.07.2007

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Between:

R.Padma, W/o late R.Jannatha Rao

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..... PETITIONER

And:

Government of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

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ORDER:

This writ petition is filed seeking to declare the action of the respondents in digging and trying to take possession of the property admeasuring 183.00 square meters situated in Sy.No.229 of Kavadiguda, Secunderabad as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents not to take possession or make any construction on the property of the petitioner pending disposal of the application filed by her under Section 20 of the Urban Land Ceiling Act, 1976 (for short "the Act").

It is the case of the petitioner that during his lifetime, her husband, late R.Janannatha Rao, filed a declaration under the provisions of the Act declaring his holdings in the urban area. The Special Officer and Competent Authority, by proceedings dated 10.12.1979, held that an extent of 1643.29 square meters of land is in excess, later, the appellate authority determined the excess holding as 909.23 square meters. Subsequently, the Municipal Corporation of Hyderabad occupied an extent of 726 square meters in the excess holding, for widening the road, without paying any compensation to the petitioner. As no compensation was paid, she made an application to the Government seeking exemption of the remaining extent under Section 20 of the Act. Complaining that no action has been taken thereon, she filed W.P.No.22529 of 1999, and the same was disposed of directing the first respondent to dispose of the application of the petitioner. Now the grievance of the petitioner is that without disposing of her application, the Government is trying to acquire the land and started digging on the land. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

From a perusal of the record, it is clear that in the earlier writ petition filed by the petitioner, being W.P.No.22529 of 1999, this Court, by an order dated 13.10.1999, directed the first respondent to dispose of the application dated 29.03.1997 filed under Section 20 of the Act, within a period of three months from the date of receipt of the said order. Therefore, without disposing of the application of the petitioner, the respondents cannot dispossess the petitioner from the land in question.

Accordingly, the writ petition is allowed and the respondents are hereby directed not to dispossess the petitioner from the land in question pending consideration of the application, dated 29.03.1997, filed by her under Section 20 of the Act. There shall be no order as to costs.

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03.07.2007